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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,289	12/14/2001	Jane A. Blasi	08935-244001 / M-4961	2843
26161	7590	01/31/2005	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			YUAN, DAH WEI D	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,289

Applicant(s)

BLASI ET AL.

Examiner

Dah-Wei D. Yuan

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26,31,32 and 34-47 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 and 37-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-26,31,32 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

ELECTROLYTE ADDITIVE FOR NON-AQUEOUS ELECTROCHEMICAL CELLS

Examiner: Yuan

S.N. 10/022,289

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January 26, 2005

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 26, 2004 has been entered. Claim 19 was amended.

2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action issued on February 27, 2004.

Specification

3. The amendment filed November 26, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: wherein the molarity of lithium ions in the electrolyte is equal to the sum of the molarity of perchlorate ions in the electrolyte and the molarity of trifluoromethanesulfonate ions, trifluoromethanesulfonimide ions or hexafluorophosphate ions in the electrolyte.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 19-26,31,32,34-36 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation “wherein the molarity of lithium ions in the electrolyte is equal to the sum of the molarity of perchlorate ions in the electrolyte and the molarity of trifluoromethanesulfonate ions, trifluoromethanesulfonimide ions or hexafluorophosphate ions in the electrolyte” is not disclosed in the instant specification. If applicant believes said term is fully defined, it is requested that applicant indicates column and line, and/or figure with number, in the instant disclosure to support the recitation.

Claim Rejections - 35 USC § 103

6. The claim rejections under 35 U.S.C. 103(a) as unpatentable over Nimon et al. in view of Kim et al. on claim 19-26,34-36 are withdrawn, because independent claim 19 has been amended. The claim rejections under 35 U.S.C. 103(a) as unpatentable over Nimon et al., Kim et al. and Kitoh et al. on claims 31,32 are withdrawn, because independent claim 19 has been amended. However, Examiner reserves the rights to reinstate the rejections should the new matter in the claims be removed.

Response to Arguments

7. Applicant's arguments filed on November 26, 2004 have been fully considered but they are not persuasive.

Applicant's principle arguments are

Support for the amendment to claim 19 can be found on pages 5-8 of the application.

In response to Applicant's arguments, please consider the following comments.

A lack of written description to support the amended claim 19 is evident since no full, clear, concise and exact written description in the disclosure to support the claimed invention. In contrast, the instant disclosure teaches the electrolyte contains a perchlorate salt, which inhibits corrosion in the cell. Examples of suitable salts include lithium, barium, calcium, aluminum, sodium, potassium, magnesium, copper, zinc, ammonium, and tetrabutylammonium perchlorates. In particular, lithium perchlorate, calcium perchlorate, aluminum perchlorate and barium perchlorate are all disclosed as preferable salts. The molarity of lithium ions in the electrolyte would not be equal to the sum of the molarity of perchlorate ions in the electrolyte and the molarity of trifluoromethanesulfonate ions, trifluoromethanesulfonimide ions or hexafluorophosphate ions in the electrolyte if other salt, such as calcium perchlorate, is used. Furthermore, the mechanism of the discharge of a lithium anode is the oxidation of lithium to form lithium ions (Li^+). The lithium ions move through the electrolyte to the cathode, where it reacts to form a lithium compound. The molarity of lithium ions in the electrolyte of the electrochemical cell is not constant in the instant specification.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dah-Wei D. Yuan whose telephone number is (571) 272-1295. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dah-Wei D. Yuan
January 27, 2005

